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Attorney Docket No.500.819US1

SCHWEGMAN ☐ LUNDBERG ☐ WOESSNER ☐ KLUTH

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: REAL-TIME RESERVATION OF CHARGES FOR PRE-PAID SERVICES.

The specification of which was filed on September 20, 2001 as application serial no. 09/960,261.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

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P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

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Full Name of joint inventor number 1 : **Mark Myatt**

Citizenship: **Australia**

Residence: **Brisbane, Queensland, Australia**

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Australia

Signature: _____

Mark Myatt

Date: _____

13 March 2002

Full Name of joint inventor number 2 : **Felim O'Neil**

Citizenship: **Ireland**

Residence: **Rahoon, Galway, Ireland**

Post Office Address: **56 Cruachan Park**
Rahoon, Galway
Ireland

Signature: _____

Felim O'Neil

Date: _____

Attorney Docket No.: 500.819US1

Serial No. 09/960,261

Filing Date: September 20, 2001

Page 3 of 5

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : Malcolm Crouch

Citizenship: Australia

Residence: Toronto, Ontario, Canada

Post Office Address: 11 Turnberry Crescent
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Canada

Signature: _____
Malcolm Crouch

Date: _____

Full Name of joint inventor number 4 : Michael Jenvy

Citizenship: Australia

Residence: Brisbane, Queensland, Australia

Post Office Address: 3 Cassandra Street
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Australia

Signature: _____
Michael Jenvy

Date: _____

Full Name of joint inventor number 5 : Graham Agnew

Citizenship: Australia

Residence: Brisbane, Queenlands, Australia

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Australia

Signature: _____
Graham Agnew

Date: _____

Full Name of joint inventor number 6 : Michael Roseberg

Citizenship: Australia

Residence: Brisbane, Queensland, Australia

Post Office Address: 12 Marianne St
Everton Hills
Brisbane, Queensland 4053
Australia

Signature: _____
Michael Roseberg

Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



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Full Name of joint inventor number 1 : **Mark Myatt**

Citizenship: **Australia**

Residence: **Brisbane, Queensland, Australia**

Post Office Address: **29 Briarwood St**
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Australia

Signature: _____

Mark Myatt

Date: _____

Full Name of joint inventor number 2 : **Felim O'Neill** *for*

Citizenship: **Ireland**

Residence: **Rahoon, Galway, Ireland**

Post Office Address: **56 Cruachan Park**
Rahoon, Galway
Ireland

Signature: _____

Felim O'Neill *for*

Date: 22-Feb-2002

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Residence: Toronto, Ontario, Canada

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Toronto, Ontario L3R 0R7
Canada

Signature: _____

Malcolm Crouch

Date: _____

Full Name of joint inventor number 4 : Michael Jenvy

Citizenship: Australia

Residence: Brisbane, Queensland, Australia

Post Office Address: 3 Cassandra Street
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Australia

Signature: _____

Michael Jenvy

Date: _____

Full Name of joint inventor number 5 : Graham Agnew

Citizenship: Australia

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Post Office Address: 1 Forte Crt
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Australia

Signature: _____

Graham Agnew

Date: _____

Full Name of joint inventor number 6 : Michael Roseberg

Citizenship: Australia

Residence: Brisbane, Queensland, Australia

Post Office Address: 12 Marianne St
Everton Hills
Brisbane, Queensland 4053
Australia

Signature: _____

Michael Roseberg

Date: _____

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| Gamon, Owen J. | Reg. No. 36,143 | Moore, Charles L., Jr. | Reg. No. 33,742 | Woessner, Warren D. | Reg. No. 30,440 |
| Gorrie, Gregory J. | Reg. No. 36,530 | Muller, Mark V. | Reg. No. 37,509 | | |
| Gortych, Joseph E. | Reg. No. 41,791 | Nama, Kash | Reg. No. 44,255 | | |

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

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P.O. Box 2938, Minneapolis, MN 55402
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Full Name of joint inventor number 1 : **Mark Myatt**
 Citizenship: **Australia**
 Post Office Address: **29 Briarwood St**
Carindale
Brisbane, Queensland 4152
Australia

Residence: **Brisbane, Queensland, Australia**

Signature:

Mark Myatt

Date:

Attorney Docket No.: 500.819US1

Serial No. 09/960,261

Filing Date: September 20, 2001

Page 3 of 5

Full Name of joint inventor number 2 : Felim O'NeillCitizenship: **Ireland**Residence: **Rahoon, Galway, Ireland**Post Office Address: **56 Craighan Park
Rahoon, Galway
Ireland**

Signature:

Felim O'Neill

Date: _____

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 500.819US1
Serial No. 09/960,261
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Page 4 of 5

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Full Name of joint inventor number 3 : Malcolm CrouchCitizenship: AustraliaResidence: Toronto, Ontario, CanadaPost Office Address: 11 Turnberry Crescent
Markham
Toronto, Ontario L3R 0R7
Canada

Signature: _____

Malcolm Crouch

Date: _____

Full Name of joint inventor number 4 : Michael JenveyCitizenship: AustraliaResidence: Brisbane, Queensland, AustraliaPost Office Address: 3 Cassandra Street
Chapel Hill
Brisbane, Queensland 4069
Australia

Signature: _____

Michael Jenvey

Date: 21 March 2002Full Name of joint inventor number 5 : Graham AgnewCitizenship: AustraliaResidence: Brisbane, Queensland, AustraliaPost Office Address: 1 Forte Crt
Bridgeman Downs
Brisbane, Queensland 4035
Australia

Signature: _____

Graham Agnew

Date: _____

Full Name of joint inventor number 6 : Michael RosenbergCitizenship: AustraliaResidence: Brisbane, Queensland, AustraliaPost Office Address: 12 Marianne St
Everton Hills
Brisbane, Queensland 4053
Australia

Signature: _____

Michael Rosenberg

Date: _____

Attorney Docket No.: 500.819US1
Serial No. 09/960,261
Filing Date: September 20, 2001

Page 5 of 5

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

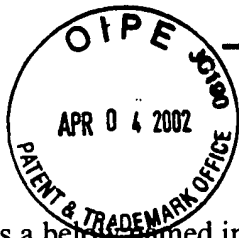
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below-named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **REAL-TIME RESERVATION OF CHARGES FOR PRE-PAID SERVICES.**

The specification of which was filed on September 20, 2001 as application serial no. 09/960,261.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

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No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| | | | | | |
|------------------------|-------------------|-------------------------------|-----------------|-----------------------|-----------------|
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| Aronoff, Marvin S. | Reg. No. 35,052 | Haack, John L. | Reg. No. 36,154 | Nicholson, Lea A. | Reg. No. 48,346 |
| Arora, Suneel | Reg. No. 42,267 | Harris, Robert J. | Reg. No. 37,346 | Nielsen, Walter W. | Reg. No. 25,539 |
| Beckman, Marvin L. | Reg. No. 38,377 | Jackson Huebsch, Katharine A. | Reg. No. 47,670 | Padys, Danny J. | Reg. No. 35,635 |
| Berdie, Raymond R. | Reg. No. P-50,769 | Jurkovich, Patti J. | Reg. No. 44,813 | Parker, J. Kevin | Reg. No. 33,024 |
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| Clark, Barbara J. | Reg. No. 38,107 | Lundberg, Steven W. | Reg. No. 30,568 | Scott, John C. | Reg. No. 38,613 |
| Clise, Timothy B. | Reg. No. 40,957 | Maki, Peter C. | Reg. No. 42,832 | Smith, Michael G. | Reg. No. 45,368 |
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Full Name of joint inventor number 1 : **Mark Myatt**

Citizenship: **Australia**

Residence: **Brisbane, Queensland, Australia**

Post Office Address: **29 Briarwood St
Carindale
Brisbane, Queensland 4152
Australia**

Signature: _____

Mark Myatt

Date: _____

Full Name of joint inventor number 2 : **Felim O'Neil**

Citizenship: **Ireland**

Residence: **Rahoon, Galway, Ireland**

Post Office Address: **56 Cruachan Park
Rahoon, Galway
Ireland**

Signature: _____

Felim O'Neil

Date: _____

X Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : Malcolm Crouch

Citizenship: Australia

Residence: Toronto, Ontario, Canada

Post Office Address: 11 Turnberry Cresent
~~Markham~~ Markham *u2*
Toronto, Ontario L3R 0R7
Canada

Signature: _____

Malcolm Crouch

Date: _____

18th February 2002

Full Name of joint inventor number 4 : Michael Jenvy *Jenvy u2*

Citizenship: Australia

Residence: Brisbane, Queensland, Australia

Post Office Address: 3 Cassandra Street
Chapel Hill
Brisbane, Queensland 4069
Australia

Signature: _____

Michael Jenvy

Date: _____

Full Name of joint inventor number 5 : Graham Agnew

Citizenship: Australia

Residence: Brisbane, Queenlands, Australia

Post Office Address: 1 Forte Crt
Eridgeman Downs
Brisbane, Queenlands 4035
Australia

Signature: _____

Graham Agnew

Date: _____

Full Name of joint inventor number 6 : Michael Rosenberg *Rosenberg u2*

Citizenship: Australia

Residence: Brisbane, Queensland, Australia

Post Office Address: 12 Marianne St
Everton Hills
Brisbane, Queensland 4053
Australia

Signature: _____

Michael Roseberg

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(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

COPY OF PAPER
ORIGINALLY FILED

Attorney Docket No. 500.819US1

SCHWEGMAN ■ LINDREY ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

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The specification of which was filed on September 20, 2001 as application serial no. 09/960,261.

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Page 2 of 5

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Full Name of joint inventor number 1: Mark Myatt
 Citizenship: Australia
 Post Office Address: 29 Briarwood St
Carindale
Brisbane, Queensland 4152
Australia

Residence: Brisbane, Queensland, Australia

Signature: _____
 Mark Myatt

Date: _____

Full Name of joint inventor number 2: Felim O'Neil
 Citizenship: Ireland
 Post Office Address: 56 Cruachan Park
Rahoon, Galway
Ireland

Residence: Rahoon, Galway, Ireland

Signature: _____
 Felim O'Neil

Date: _____

Attorney Docket No.: 500.819US1
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Page 4 of 1

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Full Name of joint inventor number 3 : Malcolm CrouchCitizenship: AustraliaResidence: Toronto, Ontario, CanadaPost Office Address: 11 Turnberry Crescent
Marham
Toronto, Ontario L3R 0R7
Canada

Signature: _____

Malcolm Crouch

Date: _____

Full Name of joint inventor number 4 : Michael JenvyCitizenship: AustraliaResidence: Brisbane, Queensland, AustraliaPost Office Address: 3 Cassandra Street
Chapel Hill
Brisbane, Queensland 4069
Australia

Signature: _____

Michael Jenvy

Date: _____

Full Name of joint inventor number 5 : Graham AgnewCitizenship: AustraliaResidence: Brisbane, Queensland, AustraliaPost Office Address: 1 Forte Crt
Bridgeman Downs
Brisbane, Queensland 4035
Australia *QUEENSLAND* *ga*

Signature: _____

Graham AgnewDate: 16 - Feb - 2002Full Name of joint inventor number 6 : Michael RosebergCitizenship: AustraliaResidence: Brisbane, Queensland, AustraliaPost Office Address: 12 Marianne St
Everton Hills
Brisbane, Queensland 4053
Australia

Signature: _____

Michael Roseberg

Date: _____



SCHWEGMAN ☐ LUNDBERG ☐ WOESSNER ☐ KLUTH

United States Patent Application
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

Schwegman, Lundberg,
Woessner & Kluth, P.A.

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I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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| Chadwick, Robin A. | Reg. No. 36,477 | LeMoine, Dana B. | Reg. No. 40,062 | Schwegman, Micheal L. | Reg. No. 25,816 |
| Clark, Barbara J. | Reg. No. 38,107 | Lundberg, Steven W. | Reg. No. 30,568 | Scott, John C. | Reg. No. 38,613 |
| Clise, Timothy B. | Reg. No. 40,957 | Maki, Peter C. | Reg. No. 42,832 | Smith, Michael G. | Reg. No. 45,368 |
| Cochran, David R. | Reg. No. 46,632 | Malen, Peter L. | Reg. No. 44,894 | Speier, Gary J. | Reg. No. 45,458 |
| Dahl, John M. | Reg. No. 44,639 | Mates, Robert E. | Reg. No. 35,271 | Steffey, Charles E. | Reg. No. 25,179 |
| Drake, Eduardo E. | Reg. No. 40,594 | McCrackin, Ann M. | Reg. No. 42,858 | Stordal, Leif T. | Reg. No. 46,251 |
| Embretson, Janet E. | Reg. No. 39,665 | McTavish, Hugh E. | Reg. No. 48,341 | Terry, Kathleen R. | Reg. No. 31,884 |
| Forrest, Bradley A. | Reg. No. 30,837 | Mehrle, Joseph P. | Reg. No. 45,535 | Tong, Viet V. | Reg. No. 45,416 |
| Gamon, Owen J. | Reg. No. 36,143 | Moore, Charles L., Jr. | Reg. No. 33,742 | Viksins, Ann S. | Reg. No. 37,748 |
| Gorrie, Gregory J. | Reg. No. 36,530 | Muller, Mark V. | Reg. No. 37,509 | Woessner, Warren D. | Reg. No. 30,440 |
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Date: _____

Attorney Docket No.: 500.819US1

Serial No. 09/960,261

Filing Date: September 20, 2001

Page 3 of 5

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Michael Roseberg ^{MR}

Date: FEB 19, 2002.

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.